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METHODOLOGY OF AL-NAWAWI IN HADITH AND ITS INFLUENCE IN THE MUFTI DEPARTMENTS

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Abstract

Hadith has several status levels and among Islamic Scholars from *madhhab muktabar* have different thoughts in practicing hadith by the Prophet (PBUH) mainly involves *da'if* hadith when *istinbat hukm*. This makes every *hukm* issued in a fatwa is influenced by assessment and status of Hadith resource. In Malaysia, *Shafi'i madhhab* is the official *madhhab* of the country and administration. *Shafi'i madhhab* practice not only involves individual practice, even *qawl muktamad Shafi'i* madhhab is recognised as a priority in view of the Administration of Islamic law throughout Malaysia except in Perlis. It makes *ulama muktabar* view in *Shafi'i madhhab* used as references include assessing the strength of a hadith. Among *ulama* that are used as reference in *Shafi'i madhhab* in the country is al-Nawawi. Thus, this study will identify the methodology of al-Nawawi on the hadith sources when *istinbat hukm*. The study also reveals hadith reference practice in selected Departments of State Mufti either coincide with the views of al-Nawawi, or vice versa. This research was conducted qualitatively by refer to the debate on the books of hadith, interviews and related papers. The results showed that not all views of al-Nawawi followed in reference to the source of hadith. Al-Nawawi does not recognise the source of *daif Hadith* in the legal ruling. However, the study found that there are several Department of State Mufti practices different views with the methodology of al-Nawawi.

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Keywords: Al-nawawi, hadith, fatwa mufti, shafi'i madhhab.

1. Introduction

Since the beginning of Islam in the Nusantara, the *Syafi'i madhhab* was the earliest *madhhab* to be introduced and has been firmly established (Majid, 2012). The developments and influences of *Shafi'i madhhab* in the Nusantara in general and in particular in Malaysia are in line with the development of Islam in this region as a result of the preachers' efforts (Haji Abdullah & Jihatea, 2007). This makes the *Syafi'i madhhab* absorbed into all fields such as education, administration, legislation and practice throughout the Nusantara since the beginning of Islam until the Malacca Sultanate (Majid, 2012). This has indirectly made the *Syafi'i madhhab* as the official *madhhab* of the Muslim community in the Nusantara, including in Malaysia. Despite reforms of Islamic law in Malaysia, it still maintains the influence of the *Syafi'i madhhab* in Islamic administration and legislation at various levels, especially in the State Mufti Departments which are the main references of Islamic law. It is further confirmed that every state allocated to the Fatwa Committee shall follow *qawl mu'tamad Mazhab Shafi'i*, different to practice in the State of Perlis where the reference in the issue of fatwa is not tied to any four madhhabs. However, the vast majority is to allocate the *Syafi'i madhhab* as the main reference (Asni, 2016).

2. Problem Statement

According to Asni (2016), in his study found that the official fatwa makers in Malaysia differed in views when interacting with the hadith evidence where some accepted the *da'if* hadith when the *instinbat hukm* and some of them did not accept it.

3. Research Questions

What is al-Nawawi's methodology against hadith *da'if* in *istinbat hukm*? Are the State Mufti Departments that make *qawl muktamad* as a main reference as in the enactments according to the methodology of hadith al-Nawawi in the *istinbat hukm*?

4. Purpose of the Study

The purpose of the study is to examine how far the mufti departments in Malaysia follow the methodology of hadith al-Nawawi in the *istinbat hukm*. This study also examines al-Nawawi methodology in the *da'if* hadith. This study also examines the methodology of the mufti departments in interacting with the *da'if* hadith in the process of issuing the fatwa.

5. Research Methods

Through a library research, the researchers referred to al-Nawawi's writings on his methodology in the hadith during *istinbat hukm*. The researchers also referred to the writings of the al-Nawawi hadith methodology. In addition, researchers have also referred to relevant circulars, official fatwa, journals and books. Then, the collected data were analyzed using the content analysis method. According to Sgier (2012), document analysis is a method of obtaining relevant information from printed material in the form of documents. Hence, based on the analyzed data, the researchers conclude that there is a connection

between al-Nawawi and *qawl muktamad* in *the syafi'i mazhab*, issuing the al-Nawawi methodology of hadith during the *istinbat hukm* and examining the fatwas issued either based on the sahih hadith or daif. Through the field research, researchers have interviewed unstructured to mufti and fatwa committee members to obtain information more clearly and deeply to achieve the objective of the study.

6. Findings

6.1. Hadis Maqbul and Mardud (Da'if)

The acceptance of a hadith depends on *sanad*. *Sanad* is a narrative genealogy of a hadith from the hadith collector till the Prophet (PBUH). Islamic scholars since the time of *salaf* have affirmed the importance of sanad in Islamic knowledge especially the hadith knowledge such as Sufiyan al-Thawri, Sufiyan bin 'Uyainah, al-Zuhri, Ibn al-Mubarak and Yazid bin Zurai' (al-Athir, 2013). *Sanad* serves to differentiate between the *Sahih* hadith and the other. As a result, the scholars have divided the hadith into two parts namely *maqbul* (accepted) and *mardud* (rejected) (Asni, Sulong, & Ismail, 2017).

The hadith of *maqbul* is a hadith that fulfils the conditions of acceptance without leave any of the narrators which are continuous *sanad*, the justice of the narrators, the accuracy of narrators, no *syadh* and *'illah* (Muhammad, 2016; al-Salah, 2015). The *sahih* hadith is divided into two, i.e. the *sahih lidhatihi* and the *sahih lighairihi*. In addition, hadith *hasan* is the accepted hadith. The hadith of *hasan* is divided into two i.e. *hasan lidhatihi* hadith and *hasan lighairihi* hadith. Hasan hadith fulfils all the conditions of the authentic hadith, but only slightly different in terms of the accuracy of the hadith narrators in which the *hasan* hadith is slightly less accuracy of the narrator (*dabit*) (Muhammad, 2016; Abdullah, 2014). The scholars agree (*ijma '*) that the *sahih* hadith and *hasan* are arguments and obliged to do so either *mutawatir* or *ahad* hadith (al-Khudair, 1425H).

While the hadith of *mardud* occurs because of absent one of the conditions or some conditions from *sahih* hadith conditions such as unconnected chains, defects in the hadith or other (al-Salah, 2015). In general, the hadith is weak due to two major factors i.e. absent narrator from the *sanad* and there is criticism of the narrator (al-Tahhan, 2004). The meaning of the absent narrator is the cut off the chain of narrators from *sanad* whether intentionally or not. It occurs to some narrators either from the beginning of the *sanad*, the middle or the end and the absent can occur clearly or hidden (al-Khudair, 1425H).

Absent occurred because the narrator did not meet the previous narrator either because the narrator was not at the same time or same time but could not meet (Muhammad, 2016). The break of the *sanad* is clearly divided into four categories namely *al-Mu'allaq, al-Mursal, al-Mu'dal* and *al-Munqati'*. Generally, the concept of *mu'allaq* is that the entire *sanad* is disposed, later Prophet (PBUH) or the entire *sanad* is thrown away except the companions (*sahabah*) or *tabi' tabi'in* (al-Salah, 2015). The concept of *mursal* is the hadith that break from the chain of *sanad* receptors after *tabi'in* (al-Naisaburi, 2013). The concept of *mu'dal* is a hadith that break on the two narrators consecutively (Muhammad, 2016; al-Salah, 2015). The concept of *munqati '* is the hadith which is not linked from any corner (al-Baghdadi, 2013). While for hidden break there are two categories namely *mudallas* and *khafiy mursal*. Generally, the concept of *tadlis* is to hide the shame in *sanad* by refining its *zahir* (al-Tahhan, 2004). The *al-Mursal al-Khafiy* concept is the hadith narrated from the narrator he met or in the same time by using the utterance as he heard from the narrator as 'have said' (Al-Suyuti, 2017).

While the meanings of criticisms in the narrators are criticisms of justice, religion or from the point of memory. There are ten criticisms of the narrators, five are related to justice, while the other five are related to the accuracy (*dabit*). Criticism of justice is a lie, accused of lying, *fasiq*, *bid'a*h and unknown (*jahalah*). While criticisms regarding accuracy are wrong in narrating the hadith, bad remembrance, negligence, confusion and contradiction with other narrators (al-Tahhan, 2004). Hadith's level of significance varies according to the weight or lightness of *da'if* character of a narrator. According to Ibn Salah, light *da'if* is bad memory, *ikhtilat* (ikhtilat because of old age, lost vision or his writing burned), *munqati', mursal, tadlis, mu'dal, syadh, wahm*, disability, *mudtarib*. Whereas the character of the severe *da'if* hadith is *munkar, matruk, matruh* and *maudu'* (al-Salah, 2015).

6.2. Al-Nawawi Methodology to Hadith Resources in Istinbat Hukm

Al-Nawawi made the source of the hadith as a second *dalil* during *istinbat hukm* especially involving *hukm* affairs after the Qur'anic *dalil*. When the legal process was related to the law, al-Nawawi only used the *sahih* hadith and *hasan* only. Al-Nawawi only recognizes *da'if* hadith in the affairs of the advantages, encouragement (*targhib*) and threat (*tarhib*) and is accompanied by strict conditions i.e. the hadith is not a heavy *da'if* hadith, the hadith is derived from the original law, does not assume that the hadith is confirmed from Prophet (PBUH), the hadith *da'if* is related to the advantages of practice, does not contradict the *sahih* hadith and not disseminated the hadith to the public so that it is not the cause of the people practising with the *da'if* hadith or the possibility some ignorant would consider it to be the *sahih* hadith (Al-Khudair, 1425H). It is also based on the view of al-Nawawi in the preface of *al-Arba'in*, he states, "The scholars have agreed that can practice with *da'if* hadith in the chapter of the advantages of practices (Al-Nawawi, 2013b)."

Similarly, he states in the preface of *al-Azkar*, "Say the *ulama* of *fiqh* and the hadiths and others: it is possible to practice the hadiths related to *al-Fadha'il* and *al-Targhib wa al-Tarhib* which the hadith is not *maudu'*. Whereas matters related to law such as halal and haram, sale, marriage, talaq and others cannot practice and argue with *da'if* hadith except with *sahih* hadith or *hasan* only (Al-Nawawi, 2018). "Likewise in the preface *al-Tibyan Fi Adab Hamalat al-Qur'an*, al-Nawawi mentions, "The hadith scholars and otherwise allow practising with the *da'if* hadith in matters relating to the advantage of practice (Al-Nawawi, 2013a)."

Among the examples put forward by al-Nawawi in this regard is, "Whoever spends the night of Eid in prayer, his heart will not die on the day when hearts die." - (commentary of al-Nawawi): This *da'if* hadith narrated from Abu Umamah with a *mawqoof isnaad* and a *marfoo' isnaad*, both *isnaads* are d*a'if* but hadith about the advantages of deeds is forgiven as we mentioned at the beginning of the book (Al-Nawawi, 2018). Among the other scholars who agree with al-Nawawi are al-Barr (2017), Ibn Qudamah (2015), Sufiyan al-Thauri, Abdullah bin Mubarak, Abd al-Rahman bin Mahdi, Sufiyan bin 'Uyainah and Abu Zakariyya al-Anbari (Al-Baghdadi, 2013; Al-Hanbali, 2019). In addition, there is a record that al-Nawawi criticised the scholars using the *da'if* hadith during the legalisation of the law. For example, al-Nawawi (2013a) rejects the views of al-Mawardi, Ahmad bin Hanbal, Ayyub al-Sakhtiyani, Malik, Abu Hanifah and others because they used *da'if* hadith.

6.3. Da'if Hadith References Analysis in Fatwa Legal Declaration by Fatwa Makers in Malaysia

Generally, the findings show that fatwa makers in Malaysia tend to be two opinions, the first one that can argue with *da'if* hadith which lesser weighted in the deal of law. This opinion comprises the Kelantan Mufti Department (Shukri, 2016), Federal Territory (Jaafar, 2015) and Terengganu (Muda, 2016). For example, in fatwa issues for heirs, the fatwa of the Terengganu Mufti Department in 1987 (Muda, 2016), Kelantan in 1989 (Shukri, 2016) and the Federal Territory (Jaafar, 2015) decided that the will to the beneficiary who had received the inheritance was invalid unless with the consent of the heirs who are entitled to receive the inheritance. Among the arguments they make is based on the two hadiths of the Prophet (PBUH), the first of which means, "Told us by Abu Sa'id Ahmad bin Muhammad bin Abi Uthman al-Ghazi, told us Tahir bin Yahya bin Qabisah, told us Sahl bin 'Ammar, told us al-Husain bin al-Walid, told us Hammad ibn Salamah from Habib bin al-Syahid bin' Amru bin Shu'aib from his father from his grandfather from the Prophet (PBUH) that he said in his *khutbah* on the day of slaughter, "There is no will for the heirs unless getting the consent of the heirs (al-Daruqutni, 2013)." The status of this hadith is *da'if* due to weak *sanad* as said by al-Syaukani (2013). According to Al-'Asqalani (2015), there is Sahl bin 'Ammar who is said to be a weak (*da'if*) person.

While the second hadith is weak, which means, "Announce to us by Abu Bakr al-Asbahani, I am 'Ali bin' Umar al-Hafiz, told us Abu 'Abdillah' Ubaid allah bin 'Abd Allah bin' Abd al- Samad bin al-Muhtadi bi Allah, told us Abu 'Ulathah Muhammad bin' Amru bin Khalid, told us by my father, told us Yunus bin Rasyid, from 'Ata' al-Khurasani, from 'Ikrimah, from Ibn 'Abbas, he said, "The Prophet (PBUH) said cannot give will to the heirs unless other heirs wish it (Al-Daruqutni, 2013). "This hadith is weak according to al-Barr (2017), Abu Daud (1986), al-Munawi (2013), Al-'Asqalani (2015) and al-Albani (1985). According to Ibn Hazm (2016), a will bound by the utterance "unless with the consent of the heirs" it is a hadith with *mursal* status. While according to al-Albani (1985), this hadith was *munkar* because contradict with another *sanad* which is more authentic *sanad* in which the utterance "unless gaining the consent of the heirs" is an added exclamation. Hence, it cannot use as argument to make the will must be with the consent of the heirs.

The second group says that the hadith should not be used to argue in the legal affairs. This opinion comprises the Perak Mufti Department (Adam, 2015), Penang (Mohd, 2015), Perlis (Johari, 2017) and Selangor (Kamos, 2015). The findings of this study show that although the State Mufti Departments have a strong influence on the al-Shafi'i madhhab until making it as a major reference in the issuance of fatwa as found in the respective Islamic state enactment except Perlis, for example in the Islamic Religion Administration Enactment (Negeri Sembilan) 2003 as set out in section 54 (1) said, "In issuing any fatwa under section 49, or recommend an opinion under section 53, the Fatwa Committee shall ordinarily follow *qawl muktamad* (accepted opinions) Syafie Madhhab. The *qawl muktamad* which is meant is the opinion that comes from Ashab Syafi'i. Whereas the most important *Ashab Syafi'i* is al-Nawawi. He was referenced in terms of method and law in the al-Syafi'i madhhab (Sulaiman, 2008).

However, some Mufti Departments did not follow the al-Nawawi methodology in the hadiths during *istinbat hukm*. The effect of this methodological reference neglect can lead to unstable legal findings as it relies on *da'if dalil*. This is because the scholars agree that the hadith is included in the category of hadith *mardud* (rejected) (Asni, Sulong, & Ismail, 2017). In addition, among other

implications is that there is inconsistency in the decision of the fatwa between the states as it differs in the hadith reference methodology during the *istinbat* process (Asni, 2016). While the effect of the administrative aspect, it is also contrary to the requirements and claims of the official law enactment which has been allocated so that the *qawl muktamad* in the Shafi'i madhhab is used as the main reference. Hence, the study proposes that all State Mufti Departments should follow the methodology of the hadith referenced by al-Nawawi. This is because, in addition to his *rajih* and powerful methodology, he is also a scholar who became the main reference in the al-Shafi'i madhhab in terms of methodology and law (Ahmad, 2016).

7. Conclusion

The entire Mufti State Department in Malaysia except Perlis has provided in the enactment of the law that the *qawl muktamad* in the al-Syafii madhhab is the main reference when issuing a fatwa. Whereas the *qawl muktamad* according to the agreement of the scholars of al-Syafi'i is all the view and methodology of al-Nawawi. However, the findings show that part of the Mufti State Department does not follow the al-Nawawi methodology when making the *da'if* hadith as an argument in *istinbat hukm*, while al-Nawawi only recognises the authentic hadith and *hasan* when *istinbat hukm*.

This finding should not have been the case because in addition to it contrary to the provisions of the existing law, it also has another great impact that is not a strong fatwa decision because arguing with the *da'if* hadiths and leading to fatwa inconsistencies between states and causing conflict. The findings also show that even the Perlis State Mufti Department did not make the *qawl muktamad* of al-Syafi'i madhhab as an official reference, but the argument of the hadith was similar to the al-Nawawi methodology. Hence, in this case the study wishes to suggest that states which do not follow al-Nawawi methodology especially those that involve the hadith arguments need to follow it so that the fatwa issued is solid and uniform because based on the same methodology and coincide with the state administrative enactment claim.

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